

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUCKY STAR ENTERPRISES III,  
LLC,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

CASE NO. C21-1698JLR

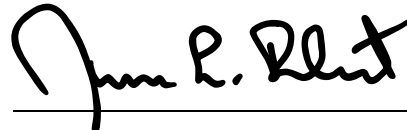
ORDER

Before the court is Plaintiff Lucky Star Enterprises III, LLC's ("Lucky Star") notice of election to waive amendment of its complaint. (NOE (Dkt. # 15).) Lucky Star initially filed this action in Snohomish County Superior Court on February 2, 2021, and asserted five claims against Defendant Wells Fargo Bank, N.A. ("Wells Fargo"). (NOR (Dkt. # 1) ¶ 1; Compl. (Dkt. # 1-1) ¶¶ 4.1-8.5).) After removing the case to this court, Wells Fargo moved for dismissal under Federal Rule of Civil Procedure 12(b)(6). (*See* NOR; Mot. (Dkt. # 6).) The court granted Wells Fargo's motion, dismissed Lucky Star's

1 second and fourth causes of action (Compl. ¶¶ 5.1-5.4, 7.1-7.4) with prejudice, and  
2 dismissed Lucky Star's first, third, and fifth causes of action (*id.* ¶¶ 4.1-4.5, 6.1-6.4,  
3 8.1-8.5) without prejudice and with leave to amend within fourteen (14) days of the  
4 court's February 11, 2022 order. (2/11/22 Order (Dkt. # 14) at 13.)

5 Lucky Star has declined to address the deficiencies that the court identified in its  
6 first, third, and fifth causes of action and instead waives amendment of those claims.  
7 (*See* NOE.) Accordingly, those claims are DISMISSED with prejudice and the Clerk is  
8 DIRECTED to close this case. *See Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1108  
9 (9th Cir. 2003) (affirming dismissal with prejudice where plaintiff declined to amend  
10 deficient claims further).

11 Dated this 2nd day of March, 2022.

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14 JAMES L. ROBART  
15 United States District Judge  
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